

Q. EXPLOSIVES AND PYROTECHNIC GOODS

Q1 The Explosive Substances Act

Passed on 12 November 1997
(RT * I 1997, 86, 1461),
entered into force 1 January 1998.

Chapter 1

General Provisions

§ 1. Scope of application of Act

- (1) This Act provides the legal bases for the handling of and trade in explosive substances for civilian purposes.
- (2) For the purposes of this Act, explosive substances are explosives, pyrotechnic substances, and articles or devices containing such substances.
- (3) This Act does not apply to:
 - 1) explosive substances at the disposal of the Defence Forces, the Police, the Border Guard, the Rescue Service Administration, militarised rescue units or the Estonian National Defence and Public Services Academy, except for in the cases specified in this Act;
 - 2) the carriage of explosive substances by road, rail, air or water, unless otherwise provided for in this Act.
- (4) This Act applies to the recycling of ammunition into explosives for civilian purposes and to the assembly of pyrotechnic articles.
- (5) This Act applies to ammunition which contains explosive substances only with regard to the manufacture thereof; all other handling of ammunition is regulated by the Weapons Act (RT I 1995, 62, 1056).

§ 2. International classification of explosive substances

- (1) According to the hazard they present during carriage and storage, explosive substances belong to the first hazard division on the basis of the international classification of hazardous substances.
- (2) According to the nature of potential accidents during the carriage of explosive substances, explosive substances are divided into six subdivisions:
 - 1) subdivision 1.1 – substances and articles which have a mass explosion hazard, which means that the entire load of explosive substances explodes virtually instantaneously;
 - 2) subdivision 1.2 – substances and articles which have a projection hazard, through which the surrounding environment (site) may be damaged, but not a mass explosion hazard;
 - 3) subdivision 1.3 – substances and articles, the combustion of which gives rise to considerable radiant heat or which burn one after another, producing minor blast or projection effects or both;
 - 4) subdivision 1.4 – substances and articles which may explode only partially in the event of ignition or initiation. The explosion is generally confined to a specific package and does not spread to other packages. No projection of the contents of the package is to be expected. An external fire (heating) does not cause virtually instantaneous explosion of the contents of the package;

5) subdivision 1.5 – substances having a mass explosion hazard which are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of carriage. Such substances must not explode in an external fire test;

6) subdivision 1.6 – extremely insensitive articles which do not have a mass explosion hazard. Such articles contain extremely insensitive explosive substances and the probability of their initiation or of such initiation spreading is insignificant.

(3) Explosive substances are divided into the following compatibility groups according to the possibility of mixed carriage and storage thereof:

1) A – primary explosive substance;

2) B – article containing a primary explosive substance and not having two or more effective protective features. Detonators, detonator shells and fuse heads intended for demolition work belong to this group even if they do not contain a primary explosive substance;

3) C – propellant explosive substance or other deflagrating explosive substance, or article containing such explosive substance;

4) D – high explosives, black powder or article containing a high explosive, in each case without means of initiation and without a propelling charge, or article containing a high explosive and having two or more effective protective features;

5) E – article containing a high explosive, without means of initiation, with a propelling charge (other than one containing an inflammable liquid or gel or a hypergolic liquid) or without a propelling charge;

6) F – article containing a high explosive, with its own means of initiation, with a propelling charge (other than one containing an inflammable liquid or gel or a hypergolic liquid) or without a propelling charge;

7) G – pyrotechnic substance, or article containing both a pyrotechnic substance and an illuminating, incendiary, tear- or smoke-producing substance (other than a water-activated article or one which contains white phosphorus, phosphides, a pyrophoric substance, an inflammable or hypergolic liquid or gel);

8) H – article containing both an explosive substance and white phosphorus;

9) I – article containing both an explosive substance and an inflammable liquid or gel;

10) K – article containing both an explosive substance and a toxic chemical agent;

11) L – explosive substance containing a water-activated explosive substance presenting a special risk, or containing hypergolic liquids, phosphides or pyrophoric substances and necessitating isolation of each substance;

12) N – article containing an extremely insensitive explosive substance;

13) S – substance or article so packed or designed that any hazardous effects upon damage to the package are confined within the package. Blast or projection effects in the case of a fire are limited to the extent that they do not significantly hinder or prevent fire-fighting or other emergency response efforts in the immediate vicinity of the package.

(4) For the purposes of this Act:

1) “explosive” means a chemical compound or a mechanical mixture of substances that may explode without the presence of free oxygen due to thermal impact (heating, spark), mechanical impact (shock, pressure, friction), chemical reaction, or detonation of other substances;

2) “propellant explosive substance” means an explosive with a detonation velocity of up to 2000 m/s and which demolishes the surrounding environment upon explosion;

3) “high explosive” means an explosive with a detonation velocity greater than 2000 m/s and which destroys and demolishes the surrounding environment upon explosion;

4) “primary explosive substance” means an explosive which explodes upon ignition or from a light shock or detonation, and the explosion of a small amount of which induces an explosion in other explosives;

5) “pyrotechnic substance” means an incendiary substance or a substance which produces signals, fireworks, smoke etc. , which explodes or burns without the presence of free oxygen producing light, heat, sound, smoke, gas or other phenomena.

(5) Pyrotechnic articles are divided into the following divisions, according to the amount, characteristics and purpose of pyrotechnic substances contained therein:

division I – toy fireworks (the permissible total mass of pyrotechnic substances in the article is up to 3 grams, and there shall be no propelling charge);

division II – small fireworks (the permissible total mass of pyrotechnic substances in the article is up to 50 grams);

division III – medium fireworks (the permissible total mass of pyrotechnic substances in the article is up to 250 grams, and the total mass of pyrotechnic substances in a set of articles may be up to 1200 grams);

division IV – large fireworks (the permissible total mass of pyrotechnic substances in the article is not limited);

division T – pyrotechnics for technical purposes:

1) subdivision T1 – stage pyrotechnics mainly used in interior spaces where the pyrotechnic effect does not result in the creation of toxic gases, caustic substances or heavy, sharp or hot volatile particles;

2) subdivision T2 – distress signal equipment and pyrotechnic ammunition.

(6) Explosive substances used for civilian purposes may belong to subdivisions 1.1, 1.4, 1.5 and 1.6 provided for in subsection (2) of this section, and to compatibility groups B, C, D, E, F, G and S provided for in subsection (3) of this section.

(7) The number of the subdivision of an explosive substance and the letter signifying its compatibility group comprise the classification code of the explosive, which shall be indicated on the packaging of the explosive and on danger labels on vehicles transporting the explosive.

§ 3. Permission to use explosive substances for civilian purposes

(1) Explosive substances may be used for civilian purposes if a permanent or temporary permit of use has been issued therefor.

(2) Temporary and permanent permits of use for explosive substances are issued and renewed by the Technical Inspectorate.

(3) Permanent permits of use are issued for a term of up to ten years and may be renewed for up to ten years.

(4) A permanent permit of use becomes invalid:

1) on the date of expiry;

2) upon discontinuation of the production of the explosive substance;

3) if the use of the explosive substance for civilian purposes is prohibited by another Act or international agreement.

(5) Temporary permits of use are issued for the blasting of up to 100 tonnes of explosive substances during a period of up to six months.

(6) Prior to the manufacture or import of a new explosive substance, the manufacturer or importer (hereinafter supplier) of the explosive substance shall conduct test blasting. The suitability of an explosive substance for use under given geological and hydrogeological conditions is assessed by test blasting.

(7) A temporary permit of use for explosive substances shall be applied for in order to conduct test blasting.

(8) An explosive substance to be tested shall undergo prior assessment in a laboratory recognised by the Technical Inspectorate, and the composition, characteristics and packaging of the explosive substance shall ensure safe handling and carriage.

(9) Laboratory assessment of an imported explosive substance is not required if the Technical Inspectorate resolves to recognise a permit of use issued by the competent authority of the state in which the manufacturer of the explosive substance is seated.

(10) Test blasting is directed by a committee formed by the applicant for a permit of use, the members of which shall include a representative of the Technical Inspectorate and a representative of the supplier. A supplier of explosive substances may apply for a permanent permit of use if test blasting achieves the required result.

(11) The dust explosion safety of explosives manufactured for the purposes of oil shale mining shall be determined beforehand in a test drift according to a plan provided by the Technical Inspectorate and in the presence of a representative thereof. A test drift is a metal tube with a fixed diameter, where extreme conditions promoting a dust explosion, similar to those which may occur in a mine, are created. A supplier may apply for a temporary permit of use if oil shale dust does not explode upon blasting carried out according to the prescribed plan.

§ 4. Estonian Register of Explosive Substances

(1) Explosive substances for which permanent permits of use are issued shall be entered in the state explosive substances register.

(2) The state explosive substances register shall be established by the Government of the Republic pursuant to the procedure provided for in the Databases Act (RT I 1997, 28, 423).

§ 5. Plastic explosives

(1) Plastic explosives are high volume explosives which, at normal room temperature, can be moulded or are elastic. Plastic explosives shall be marked.

(2) For the purposes of this Act, the marking of explosives means the addition of vaporising detection agents to explosives to enable the detection of the explosives. Detection agents and their content in explosives are determined by international agreements.

(3) The use of plastic explosives for civilian purposes is prohibited.

(4) As an exception, plastic explosives may be used for civilian purposes with the permission of the Minister of Defence. Applications for the receipt and use of plastic explosives shall be submitted to the Minister of Defence in concordance with the Technical Inspectorate.

Chapter 2

Manufacture of Explosive Substances

§ 6. Activity licence for manufacture of explosive substance

(1) Activity licences for the manufacture of an explosive substance (hereinafter permits for the manufacture of an explosive substance) are issued by the Ministry of Economic Affairs in concordance with the Police Administration, Health Protection Inspectorate and Ministry of the Environment. The Police Administration, Health Protection Inspectorate and Ministry of the Environment shall render a decision concerning concordance within thirty days after receipt of an application, and may refuse concordance if the manufacture of the explosive substance would jeopardise the security of people or damage the natural environment, or if the manufacture of an explosive substance does not comply with health protection or hygiene requirements.

(2) For the purposes of this Act, the manufacture of an explosive substance is any activity resulting in the production of an explosive substance. The term includes the moulding, processing and mixing of explosives or pyrotechnic substances with one another or with other substances, and the packaging of explosive and pyrotechnic articles and the placement thereof into blasting supplies.

(3) A permit for the manufacture of a blasting agent is issued by the Technical Inspectorate if the blasting agent is manufactured for use only by the manufacturer.

(4) For the purposes of this Act, a blasting agent is an explosive formed by the mixing of pure granulated ammonium nitrate with a liquid or solid combustible agent.

(5) A permit for the manufacture of a blasting agent shall be issued according to the provisions of subsection (1) of this section upon the manufacture of the blasting agent for several consumers together with cartridge and packaging of the blasting agent.

§ 7. Explosive substances plant

(1) Explosive substances may be manufactured only in plants built or renovated for such purpose.

(2) For the purposes of this Act, an explosive substances plant is a complex of structures and constructions necessary for the manufacture of explosive substances.

(3) Building permits for explosive substances plants shall be applied for from the local government in accordance with the Planning and Building Act (RT I 1995, 59, 1006; 1996, 36, 738; 49, 953).

(4) A plan of the site of an explosive substances plant, explosive substances stores belonging to the plant and the surrounding area (on a scale of up to 1: 20 000) shall be appended to an application for a building permit, including the danger zone of the plant and stores determined by the shockwave which would result from an explosion of the largest magazine, and indication of the structures and roads etc. falling within such area and the purpose thereof.

(5) For the purposes of this Act, a danger zone means an area surrounding an explosive substances plant, explosive substances store or blasting site, where an explosion may damage living beings or structures situated in the area. The extent of a danger zone is determined by a plan or the blasting pattern.

(6) Construction supervision over the construction of an explosive substances plant is exercised pursuant to the Planning and Building Act by the local government and pursuant to the Republic of Estonia Labour Protection Act (RT 1992, 25, 343; RT I 1996, 49, 953) by the Labour Inspectorate; health protection, environmental protection, fire fighting and technical supervision is exercised by representatives of the appropriate state agencies.

§ 8. Use of explosive substances plant

(1) In order to use an explosive substances plant, the owner or possessor of the plant shall obtain a permit for the use of the structure from the local government, and submit a written application to the Technical Inspectorate for the use of the explosive substances plant.

(2) The Technical Inspectorate shall form a technical approval committee (hereinafter committee) on the basis of a submitted application, appoint one of its employees to the membership of the committee and, in concordance with the corresponding agency, appoint a representative of the Police Prefecture, fire fighting

supervisory body, Ministry of Defence, Ministry of the Environment, Health Protection Inspectorate, Labour Protection Inspectorate and the local government. The representative of the Technical Inspectorate shall be the chairman of the committee.

(3) The committee shall be convened within one month after the submission of the application. The members of the committee and the owner or possessor of the plant shall be informed of the date the committee is convened not less than two weeks prior to such date.

(4) A statement on the operation of a plant shall be prepared on the basis of the results of the inspection carried out by the committee, and signed by every person who participates in the inspection. An operation statement constitutes the basis for the issue of an operation permit for a plant.

(5) If, upon inspection, the committee finds any omissions which do not influence production technology or increase hazards in the handling of explosive substances, a precept for the elimination of specified omissions by a specified date may be added to the operation statement.

(6) Each person who participates in the inspection and the owner or possessor of the plant shall receive one original copy of the statement.

(7) If only one part of an explosive substances plant is used, such fact shall be included in the statement.

§ 9. Operation permit for explosive substances plant

(1) The Technical Inspectorate issues an operation permit to the owner or possessor of an explosive substances plant on the basis of an operation statement. Copies of an operation permit shall be sent within two weeks to the agencies which participated in the work of the committee and exercised construction supervision.

(2) Prior to the issue of an operation permit, the Technical Inspectorate may issue a test operation permit for an explosive substances plant or a part thereof. A test operation permit is issued for up to three months to test equipment and find the optimal mode of operation. Upon the expiry of the test operation permit, the explosive substances plant shall be used pursuant to the provisions of § 8 of this Act.

(3) An explosive substances plant shall not commence test operation or operation before the person or persons responsible for the manufacture of explosive substances are appointed pursuant to § 29 of this Act.

(4) If an explosive substances plant is to be expanded or production technology is to be altered, a new operation permit shall be applied for pursuant to the procedure provided for in this section.

§ 10. Manufacture of blasting agents

(1) Blasting agents may be manufactured on the basis of a permit issued by the Technical Inspectorate with equipment for which a permit of use has been issued at a place of manufacture of explosives, or in mixing and loading equipment at a jobsite.

(2) For the purposes of this Act, a place of manufacture of explosives is a place where stationary or mobile equipment for mixing ammonium nitrate with liquid or solid combustible agents, and stores for initial components and auxiliary equipment for the manufacture of blasting agents are located.

(3) The manufacture of blasting agents shall not commence before a representative of the Technical Inspectorate together with representatives of the Labour Inspectorate, the Police and the firefighting supervisory body have inspected the place of manufacture of explosives or the mixing and loading equipment, and ascertained that the site of the place of manufacture, the equipment and the storage conditions of raw materials used for the manufacture of blasting agents comply with the requirements established pursuant to subsection 60 (1) of this Act, and the Health Protection Inspectorate has concurred commencement.

(4) Blasting agents may be manufactured under the direction of a person responsible for the manufacture of explosive substances if such person has passed an evaluation pursuant to § 30 of this Act, and in accordance with the manufacturing instructions.

§ 11. Vacation of explosive substances plant or place of manufacture of explosives

(1) Upon the vacation of an explosive substances plant, a part thereof or a place of manufacture of explosives, the owner or possessor of the site to be vacated shall inform the Technical Inspectorate of such vacation within five working days after termination of work.

(2) The owner or possessor of a vacated explosive substances plant or place of manufacture of explosives shall preserve the ledgers thereof in prescribed form for not less than ten years after liquidation of the site.

§ 12. Resumption of operations or renovation of explosive substances plant or place of manufacture of explosives

(1) If the manufacture of explosive substances in an explosive substances plant or a part thereof has been suspended for more than one year, a new operation permit shall be applied for pursuant to the provisions of § 9 of this Act.

(2) Upon the suspension of operation of a place of manufacture of explosives for more than one year, the operation thereof may be resumed pursuant to the provisions of subsection 10 (3) of this Act

(3) A new operation permit is not needed in the case of minor renovations if the renovated equipment is identical to the equipment formerly used and there is no change in production technology or safety requirements. The Technical Inspectorate shall be informed of any changes made.

Chapter 3

Trade in Explosive Substances

§ 13. Activity licence for sale of explosive substances

(1) A commercial undertaking whose articles of association prescribe the sale of explosive substances as one of its areas of activity may apply for an activity licence for the sale of explosive substances (hereinafter explosive substances sales permit).

(2) Explosive substances sales permits are issued, amended, suspended and revoked by the Police Administration.

(3) An explosive substances sales permit may be issued to a commercial undertaking which has an explosive substances store or a commercial lease contract for the use of an explosive substances store.

(4) Explosive substances sales permits are issued for a term of up to five years.

§ 14. Refusal to issue explosive substances sales permit

Issue of an explosive substances sales permit may be refused if:

1) the applicant has inadequate technical capability or personnel for operation in the specified area of activity;

2) the applicant provides inaccurate information;

3) within the two immediately preceding years, the applicant has been in material violation of this Act, the Weapons Act or legislation established on the basis thereof;

4) less than two years have passed since the revocation of an explosive substances sales permit previously issued to the applicant, and the revocation of the sales permit arose from a violation of the provisions of clauses 15 (1) 2), 3) or 4) of this Act.

§ 15. Revocation of explosive substances sales permit

(1) An explosive substances sales permit may be revoked if:

1) the holder of the sales permit has not commenced activities within twelve months after the date of issue of the permit;

2) false information is knowingly provided upon application for the sales permit;

3) a transaction is concluded which is beyond the scope of activity permitted by the sales permit;

4) the holder of the sales permit violates this Act or any procedure established by legislation issued on the basis thereof.

(2) If grounds for the revocation of an explosive substances sales permit set out in subsection (1) of this section become evident, the Police Administration may issue precepts for the elimination of violations and suspend the sales permit until the violations are eliminated.

§ 16. Explosive substances procurement permit

(1) An explosive substances procurement permit grants the natural or legal person indicated therein the right to procure the explosive substances set out in the permit.

(2) The issue of an explosive substances procurement permit is based on an explosive substances sales permit, permit for blasting operations, permit for work with explosive substances, weapon permit or other document which provides certification of the need for explosive substances and justification for the use thereof.

(3) An explosive substances procurement permit is issued by the Police Prefecture of the location of the person or agency which uses the explosive substance.

(4) The name and address of the procurer of an explosive substance, the name, quantity and classification code of the explosive substance to be procured, the address of the explosive substances store, the given name, surname and office of the issuer of the permit, and the date of issue and term of the permit are indicated in an explosive substances procurement permit.

(5) An explosive substances procurement permit is issued for a term of up to one year. The issuer of a permit has the right with good reason to extend the permit for up to three months.

(6) Upon the destruction or loss of an explosive substances procurement permit, the holder of the permit is obliged to notify promptly the Police Prefecture which issued the permit or the Police Prefecture of the location of the holder.

§ 17. Revocation of explosive substances procurement permit

The Police Prefecture which issues a procurement permit or the Police Administration shall revoke the permit if:

- 1) so requested by the holder of the permit;
- 2) false information is knowingly provided upon application for the procurement permit;
- 3) the activities of the legal person are terminated or the agency is liquidated;
- 4) the holder of the permit dies or is declared dead or missing;
- 5) upon procurement of explosive substances, the holder of the permit violates the provisions of this Act or legislation issued on the basis thereof.

§ 18. Sale of explosive substances

(1) Only a holder of an explosive substances sales permit may sell explosive substances.

(2) It is only permitted to sell explosive substances concerning which a permanent explosive substances permit of use as provided for in § 3 of this Act exists.

(3) Upon the sale of explosive substances, a seller of explosive substances shall adhere to the following requirements:

- 1) to sell explosive substances only to holders of explosive substances procurement permits;
 - 2) to store explosive substances intended for sale only in locations and under conditions which comply with the requirements of this Act or legislation issued on the basis thereof;
 - 3) to keep records of the sales of explosive substances and ensure the preservation of required documentation pursuant to the provisions of § 27 of this Act;
 - 4) to provide procurers of explosive substances with an explosive substance user manual in Estonian.
- (4) It is prohibited to knowingly sell defective explosive substances. Defective explosive substances shall be transferred to the agency designated in subsection 45 (2) of this Act for destruction.
- (5) Clauses (3) 1) and 3) of this section do not apply to the retail trade of pyrotechnic articles of divisions I and II.
- (6) A person who does not hold an activity licence for the sale of explosive substances in the lawful possession of such person may sell such explosive substances through a commercial undertaking which holds an appropriate permit.

§ 19. Import, export and transit of explosive substances

(1) The import, export and through transit of explosive substances shall be carried out pursuant to the procedure established by this Act, the Customs Act (RT I 1993, 62, 891; 76, 1129; 1994, 30, 466; 1995, 20, 297; 1996, 83, 1487), the Strategic Goods Export and Transit Act (RT I 1994, 30, 466) and legislation issued on the basis thereof, and on the basis of international agreements binding on the Republic of Estonia and of bilateral agreements between the Republic of Estonia and other states.

(2) The import of explosive substances into Estonia and the export from Estonia of explosive substances which are not entered in the list of strategic goods shall be carried out on the basis of a single import or export permit issued by the Technical Inspectorate. An application for an explosive substances import permit shall be concurred with the Police Prefecture which issued the explosive substances procurement permit, or a copy of the procurement permit shall be appended to the application.

(3) The import or export of explosive substances may be conducted by persons and agencies which hold an explosive substances import or export permit respectively.

(4) An explosive substances procurement permit issued to a natural or legal person of the country of the location of the importer and a translation of the procurement permit into Estonian or English shall be appended to an application for an explosive substances export permit.

(5) It is only permitted to import explosive substances concerning which an explosive substances permit of use has been issued.

Chapter 4

Storage and Recording of Explosive Substances

§ 20. Bases for storage of explosive substances

(1) Explosive substances shall be stored under conditions which ensure their preservation and safety to the surroundings and which preclude access by unauthorised persons.

(2) Explosive substances may be stored permanently in explosive substances stores, containers or safes.

(3) For the purposes of this Act, an explosive substances store is one or several explosive substances magazines together with auxiliary structures which are located on a common territory surrounded by a

fence, or in the case of an underground store, storage space, pockets and auxiliary space with excavated sections which lead to the store.

(4) A surface explosive substances store shall be guarded by armed guards. The security regime for the store and the necessary number of guards shall be determined by the owner of the store in concordance with the local Police Prefecture separately for each specific case.

(5) Stores for pyrotechnic articles or spaces where a safe for explosive substances is located shall be equipped with a security alarm system.

§ 21. Explosive substances stores

(1) Explosive substances stores are divided into permanent and temporary explosive substances stores according to the duration of use of the stores.

(2) The duration of use of permanent explosive substances stores is more than three years and the duration of use of temporary explosive substances stores is up to three years.

(3) Construction of explosive substances stores:

1) surface explosive substances stores shall be constructed on the bases provided for in the Planning and Building Act;

2) underground explosive substances stores shall be constructed on the bases provided for in the Earth's Crust Act (RT I 1994, 86/87, 1488; 1995, 75, 1321; 1996, 49, 953; 1997, 52, 833).

(4) The site of an explosive substances store shall be such that, in the case of an accident in the store, the safety of people in the vicinity, the preservation of their property and minimal environmental damage are ensured. Potential environmental damage is assessed upon the choice of a site for an explosive substances store by an environmental impact assessment.

§ 22. Mobile explosive substances store

(1) Users and sellers of explosive substances may have mobile explosive substances stores.

(2) A mobile explosive substances store may be situated in a vehicle or trailer, the cargo space of which shall be enclosed and without cracks. The load-bearing part of the cargo space shall be constructed from non-flammable materials and shall provide adequate protection to loads carried. The use of spark-generating materials as lining material for cargo spaces is prohibited. The isolation and thermal characteristics of the cargo space shall be not less than equivalent to the characteristics of a metal external wall covered with a layer of non-flammable timber with a thickness of 10 centimetres, and explosive substances up to one half of the load-bearing capacity of the vehicle or trailer may be stored and carried in such cargo space.

(3) Explosive substances of different compatibility groups shall be stored in parts of a closed cargo space fitted with separate doors (storage spaces); the storage space for explosive substances of compatibility group B shall be situated at the front of the cargo space, and the internal surface of such storage space shall be covered with a metal screen of a sturdiness which precludes the transfer of detonation to other explosive substances within the cargo space and ensures the safety of persons in the driver's cab.

(4) The doors of storage spaces of a mobile explosive substances store shall be locked with an inner lock and a padlock in such a manner that the bow of the padlock covers the keyhole of the inner lock.

(5) The site of a mobile explosive substances store is defined as the permanent site of a vehicle or trailer which contains explosive substances; such site shall comply with the provisions of subsection 21 (4) of this Act, and the security measures implemented for an explosive substances store shall comply with the provisions of subsection 20 (4) of this Act.

§ 23. Explosive substances storage permit

(1) An explosive substances store shall not be used before the committee has inspected the store and declared it fit for use.

(2) The committee shall be convened by the Technical Inspectorate, and the representative of the Technical Inspectorate shall be the chairman of the committee. The Labour Inspectorate, Police Prefecture and fire fighting supervisory body (in the case of an underground explosive substances store, the mine rescue service) of the location of the store shall each appoint a representative to participate in the work of the committee and each appointment shall be approved by the other bodies. The owner or possessor of the store shall submit three original copies of the documentation concerning the explosive substances store to the committee. The documentation shall set out the address of the store, a plan of the site of the store on a scale of up to 1: 50000, a plan of the store on a scale of 1: 1000, plans of all structures of the store on a scale of 1: 100, the capacity of all magazines, the total capacity of the store and the telephone number of the head of the store.

(3) If an explosive substances store is declared to be fit for use as the result of an inspection, the Technical Inspectorate shall issue an explosive substances storage permit. Copies of the storage permit shall be sent to the members of the committee within two weeks after the date of issue of the permit. A storage permit is issued to the possessor of a permanent explosive substances store for a term of up to three years and to the possessor of a temporary explosive substances store for a term of up to one year.

(4) The maximum quantity of explosive substances which may be stored in an explosive substances store and the term of storage are determined according to subdivision and compatibility group in the explosive substances storage permit.

(5) A storage permit for a permanent explosive substances store may be extended for up to three years and a storage permit for a temporary explosive substances store may be extended for up to one year following inspection of the condition of the store by the members of the committee specified in subsection (2) of this section.

(6) An agency or person who holds a permit for work with explosive substances may, without a storage permit, store up to 5 kilograms of explosive substances in a safe which is situated in a non-residential space, which is firmly fixed to a wall or the floor, and which shall be flameproof for not less than 0.75 hours. The space shall be equipped with a security alarm system, the safe shall be located at a distance of at least 1 metre from any heating element, and one portable fire extinguisher with a minimum capacity of 6 kilograms of dry powder (or an equivalent amount of extinguishing agent) shall be situated near the safe.

(7) A natural person may, on the basis of a weapon permit, store up to 1 kilogram of gunpowder in his or her residence pursuant to the procedure and under the conditions provided for in the Weapons Act.

(8) The procedure for storage of explosive substances in underground containers in mines, open cast mines or sewers shall be established in the written policies of an enterprise in concordance with the Technical Inspectorate.

(9) Storage permits for the storage of pyrotechnic articles prescribed for wholesale trade and for medium and large fireworks shall be applied for pursuant to the provisions of subsections (1), (2) and (3) of this section.

§ 24. Storage of explosive substances at blasting site

(1) The amount of explosive substances needed by one shift may be stored at a blasting site under the supervision of a blaster or support staff. Detonators and detonating relays shall be stored in separate boxes or cassettes. Explosive substances shall be stored not less than 20 metres from other jobsites.

(2) For the purposes of this Act, blasting is work performed with explosive substances which includes the controlled destruction and removal of natural materials (rock, timber, ice, etc.) and synthetic materials (concrete, stone and brick masonry, metal, etc.), and the alteration of their structure or form by blasting, the creation of seismic waves in the earth and the destruction of substandard explosive substances.

(3) If the charging of blast holes continues for longer than the duration of one shift, all explosive substances needed for blasting may be stored at the jobsite. Detonators and detonating relays shall be stored separately from explosives and located outside the charging zone. For the purposes of this Act, a charging zone is defined as an area where blast holes are located together with an area of not less than 20 metres in width bordering thereon, and such areas shall be determined by the person in charge of blasting.

(4) If blasting is conducted in different locations within the boundaries of one danger zone, explosive substances stored within such danger zone shall be protected from flyrock.

§ 25. Receipt and issue of explosive substances

(1) Explosive substances shall be registered in a store on the basis of a way-bill from the supplier. Explosive substances which are issued for blasting but which are not used and are returned to the store shall be registered on the basis of a work order.

(2) A supplier of explosive substances shall prepare an explosive substance way-bill on the basis of a written order and an explosive substances procurement permit, in three original copies, one of which shall be kept by the supplier, and the second and third original copies of which shall be given to the procurer of the explosive substance for registration of the explosive substance in a store and for accounting purposes.

(3) An explosive substance way-bill may be used internally as long as the explosive substance is not taken from an explosive substances store to a jobsite by the blaster conducting the blasting.

(4) An explosive substance way-bill shall contain all information prescribed by the carriage requirements for hazardous substances.

(5) A work order is a document which is signed by the person responsible for blasting or the person responsible for supervision over blasting. Explosive substances shall be issued to blasters on the basis of a work order.

(6) A work order shall set out the following information:

- 1) the name of the blaster responsible for blasting;**
- 2) the names of other blasters subordinate to the blaster responsible for blasting;**
- 3) the date and place of blasting;**
- 4) the number of blasted charges, the masses of the charges, the means of blasting used, the amount thereof and the total amount of explosive substances.**

§ 26. Suspension of receipt and issue of explosive substances

(1) If a deficit or surplus of explosive substances is detected in an explosive substances store, container or safe, the receipt and issue of explosive substances shall be immediately suspended and a departmental investigation shall be conducted. If the reason for the deficit or surplus of explosive substances cannot be established in the course of the investigation, or if the reason for such deficit or surplus is an unlawful act, the owner or possessor of the explosive substances shall act pursuant to the provisions of subsection 51 (2) of this Act.

(2) The receipt and issue of explosive substances may be resumed if the reason for the deficit or surplus is established and measures for the prevention of similar incidents are applied.

§ 27. Records of explosive substances

(1) Owners and possessors of explosive substances plants and places of manufacture of explosives shall keep daily records of manufactured explosive substances by quantity and type in ledgers in prescribed form.

(2) Owners and possessors of explosive substances plants shall also keep ledgers in prescribed form concerning tests required due to the production technology used in the production of explosive substances, the quantity of explosive substances used therein and the test results.

(3) Records of explosive substances in an explosive substances store shall be kept on computer or with the aid of two ledgers:

- 1) the ledger of explosive substances received in and issued from the store;**
- 2) the ledger of explosive substances used.**

(4) The pages of a ledger shall be numbered, bound with string and sealed with the seal of the Technical Inspectorate.

(5) Explosive substances received in and issued from an explosive substances store shall be set out in the ledger of explosive substances received in and issued from the store. A separate record shall be kept concerning each explosive substance and each type of explosive substance, and a corresponding number of pages of the ledger shall be allocated to each type of explosive substance. The daily inventory shall be stated in the ledger.

(6) Explosive substances issued from a store on the basis of a work order shall be set out in the ledger of explosive substances used, and explosive substances issued on the basis of a work order but which are not used and returned shall be re-registered in such ledger.

(7) Explosive substances registered as used in the ledger of explosive substances used shall be written off in the ledger of explosive substances received in and issued from the store at the end of each working day as having been issued on the same day.

(8) The ledgers listed in this section shall be preserved for five years from the date of the last entry.

§ 28. Recording of explosive substances on computer

(1) Records of explosive substances may be maintained on computer.

(2) If records of explosive substances are maintained on computer, valid entries shall be stored as printouts.

(3) An entry of a record of an explosive substance on computer is deemed to be completed when the entry is stored in the database designated for entries of records of explosive substances.

(4) The recording of explosive substances on computer shall comply with the requirements prescribed for ledgers.

Chapter 5

Persons Responsible for Handling of and Trade in Explosive Substances and Evaluation of Such Persons

§ 29. Persons responsible for handling of and trade in explosive substances

(1) Estonian citizens who have attained twenty-one years of age or aliens residing in Estonia on the basis of a permanent or temporary residence permit may operate as persons responsible for the handling of and trade in explosive substances or as substitutes for such persons.

(2) For the purposes of this Act:

1) "handling of explosive substances" means the manufacture, processing, reprocessing, restoration, packaging, assembly, storage, use, marking, destruction and carriage of explosive substances;

2) "trade in explosive substances" means the procurement, marketing (sale, receipt, locating consumers, ordering), import and export of explosive substances and transfer of explosive substances to others.

(3) A responsible person shall be appointed by a directive of the employer.

(4) A person responsible for the handling of and trade in explosive substances shall ensure that the handling of and trade in explosive substances is conducted according to this Act and legislation issued on the basis thereof, and complies with the requirements set out in a permit or licence.

(5) Prior to being appointed a responsible person, the corresponding candidate shall be evaluated by the Technical Inspectorate.

(6) Evaluation of the following persons responsible for the handling of and trade in explosive substances is required:

1) persons responsible for the manufacture of explosive substances;

2) persons responsible for blasting;

3) persons responsible for supervision over blasting;

4) persons responsible for the storage and issue of explosive substances;

5) persons responsible for the organisation of fireworks displays;

6) persons responsible for work with explosive substances.

(7) The appointment of a responsible person does not release an employer or manager from personal liability for the handling of and trade in explosive substances in compliance with requirements provided by this Act or other legislation.

§ 30. Evaluation of responsible persons

Responsible persons are evaluated, upon assignment by employers or at the request of traders by the examination board of the Technical Inspectorate, which assesses the technical and legal knowledge of candidates and their readiness for practical work. A certificate shall be issued to persons who successfully pass the evaluation pursuant to § 31 of this Act.

§ 31. Certificate of responsible person

(1) Certificates of a responsible person are issued, renewed and revoked by the Technical Inspectorate.

(2) Certificates are issued for a term of up to five years.

(3) Certificates shall set out the name of the holder of the certificate, the date of issue of the certificate, the name of the educational institution from which the holder of the certificate has graduated, the number of the diploma or certificate and qualification awarded thereby, and the type of responsible person the holder of the certificate may work as.

(4) Issuers of certificates may make amendments to valid certificates.

(5) A holder of a certificate shall, not less than once every five years, participate in an in-service training programme, the curriculum of which shall be concorded in accordance with the provisions of subsection 60 (3) of this Act. The completion of such training constitutes the basis for the extension of the term of the certificate.

(6) A certificate becomes invalid if the holder has not commenced work as a responsible person indicated in the certificate within one year after the issue of such certificate or if there has been a break of more than two years in his or her activities in such area.

§ 32. Number of responsible persons and organisation of work

(1) The number and qualification of responsible persons shall, depending on the size of the enterprise, ensure the safe handling of and trade in explosive substances.

(2) Employers, in concordance with the Technical Inspectorate, shall determine lists of positions in which employment involves responsibility in some area of handling of or trade in explosive substances, and the number of responsible persons.

(3) An owner or possessor of an enterprise who is also a person responsible for an activity specified in subsection 29 (6) of this Act shall apply for evaluation.

(4) The internal organisation of work shall ensure that responsible persons who are appointed to their positions are able to fulfil their prescribed duties.

§ 33. Requirements for responsible persons

(1) The following shall not be appointed as a responsible person:

1) persons suffering from mental or behavioural disorders caused by the use of psychoactive substances;

2) persons suffering from severe or long-term mental disorders due to which work with explosive substances is contraindicated;

- 3) persons who are divested of active legal capacity or whose active legal capacity is restricted;
- 4) persons who have been punished under criminal procedure for an intentionally committed crime in the first degree, regardless of whether the criminal record has expired or been expunged;
- 5) persons with a criminal record for the commission of any other criminal offence;
- 6) persons who have been punished under criminal procedure for a criminal offence caused by the careless handling of weapons, ammunition or explosive substances, regardless of whether the criminal record has expired or been expunged;
- 7) persons declared to be a fugitive on grounds arising from criminal proceedings or who have been brought to justice as a suspect, accused or accused at trial;
- 8) persons who have been punished during the preceding year under administrative proceedings on at least two occasions, where one of the punishments was administrative detention.

(2) The following requirements are set for the education of responsible persons:

- 1) a person responsible for the manufacture of explosive substances shall be an explosives chemist with higher or vocational secondary education, or a mining engineer or mining technician who has completed a course in explosives technology;
- 2) a person responsible for blasting shall have higher education or vocational secondary education in mining technology; in the absence of an education in mining, such person shall have completed a course and field training conducted in compliance with a curriculum concurred pursuant to the provisions of subsection 60 (3) of this Act, and have six months of practical experience in blasting;
- 3) a person responsible for supervision over blasting shall have the education required in clause (2) 2) of this section, but practical experience is not required;
- 4) a person responsible for the storage and issue of explosive substances shall be qualified as a mining engineer, mining technician or head of an explosive substances store;
- 5) a person responsible for the organisation of fireworks displays shall be qualified as an explosives chemist or pyrotechnician;
- 6) a person responsible for work with explosive substances shall be qualified as an explosives chemist or mining engineer;

(3) The Technical Inspectorate may, as an exception, recognise other qualifications of a person under evaluation if he or she has completed an appropriate course and has extensive practical experience in such area of activity.

§ 34. Revocation of certificate of responsible person

(1) A certificate may be revoked if the holder of the certificate:

- 1) no longer complies with the requirements provided for in subsection 33 (1) of this Act;
- 2) has handled explosive substances while intoxicated or under the influence of narcotic, psychotropic or toxic substances;
- 3) has allowed explosive substances to be lost or become unserviceable through his or her carelessness or neglect;
- 4) has repeatedly violated work discipline or safety instructions;
- 5) has violated the requirements of this Act or legislation issued on the basis thereof in the use of explosive substances, but no administrative or criminal liability has resulted from such violation.

(2) A certificate shall be revoked at the request of an employer or a supervisory authority.

(3) An appeal concerning a decision to revoke a certificate may be filed with a court pursuant to the procedure prescribed by law.

Chapter 6

Use of Explosive Substances

§ 35. General provisions for use of explosive substances

(1) An agency or person that holds an appropriate permit issued pursuant to the prescribed procedure may engage in blasting, work with explosive substances or organise fireworks displays.

(2) Permits for blasting operations, work with explosive substances and organisation of fireworks displays are issued, amended, suspended and revoked by the Technical Inspectorate.

§ 36. Permit for blasting operations

(1) A permit for blasting operations is issued to an enterprise which has a person responsible for blasting operations to direct blasting, a blaster to conduct blasting, and a store for the storage of explosive substances or a commercial lease contract for the use of an explosive substances store.

(2) The area in which an enterprise may perform blasting operations and the permitted type of blasting are determined in a permit for blasting operations.

(3) Blasting operations shall be concorded with the city or rural municipality government.

(4) A permit for blasting operations is issued without a term and is valid until the name of the enterprise is changed, the person responsible for blasting operations is changed, or a violation of this Act or legislation issued on the basis thereof is committed in the course of blasting operations which brings about the revocation of the permit.

(5) Before the issue of a permit for blasting operations, the Technical Inspectorate shall assess the preparedness of the enterprise to conduct blasting.

§ 37. Permit for work with explosive substances

(1) A permit for work with explosive substances is issued to an enterprise or agency which is engaged in testing explosive substances, processing metal or other materials with the aid of explosion, manufacturing ammunition or other activities which require the use of explosion.

(2) An enterprise or agency which uses explosive substances shall have a person responsible for work with explosive substances to direct such work, a laboratory assistant to conduct the tests and a place for the storage of explosive substances.

§ 38. Permit for organisation of fireworks displays

(1) For the purposes of this Act, a fireworks display is a display of light effects arising from the combustion of pyrotechnic substances.

(2) A permit for the organisation of fireworks displays is required for the use of pyrotechnic articles of divisions III, IV and T1.

(3) A permit for the organisation of fireworks displays is issued to agencies and natural or legal persons with a person responsible for the organisation of fireworks displays and the required conditions for the storage of pyrotechnic articles. Fireworks displays where pyrotechnic articles of division IV are used shall be conducted by a pyrotechnician.

(4) A person or agency which organises fireworks displays shall obtain consent to conduct each specific fireworks display from the city or rural municipality government in concordance with the fire fighting supervisory body and the Police Prefecture.

§ 39. Blasting permit

(1) A blasting permit is issued to a holder of a permit for blasting operations if the holder of the permit wishes to conduct blasting operations in a settlement, in the demolition of structures or the processing of metal or breaking up of metal into pieces, or to conduct underwater or mass blasting (where more than one tonne of explosives is used at once).

(2) In order to obtain a blasting permit, the applicant for the permit shall submit an application to the Technical Inspectorate to which the following shall be appended:

1) the blasting plan;

2) a plan of the area on a scale of between 1: 500 and 1: 10000 on which the site to be blasted, the boundaries of the blasting danger zone and the location of guard posts are indicated;

3) the consent of the city or rural municipality government, and the concordance of and conditions imposed by the environmental division of the local government, and enterprises and agencies located within the danger zone.

(3) The concordances set out in clause (2) 3) of this section may also be marked on the plan of the area. Upon refusal to grant concordance, the reason for refusal shall be indicated.

(4) A blasting permit is issued for a term of up to one year. The term of a permit may be extended if the boundaries of the blasting danger zone and the technical requirements for blasting have not changed. In other cases a new blasting permit is required.

(5) A blasting permit is not required if a mineral resources processing enterprise itself conducts the mass blasting necessary for mining mineral resources. If mass blasting is required, the documents provided for in subsection (2) of this section shall be appended to the application for a permit for blasting operations provided for in § 36 of this Act.

(6) The consent and concordances prescribed in clause (2) 3) of this section are not necessary if the blasting danger zone does not exceed the boundaries of the area to which a mineral resources processing enterprise or the enterprise which ordered the blasting has a right of use and if the issuer of the extraction permit does not impose additional conditions.

§ 40. Refusal to issue blasting permit

A blasting permit shall not be issued if:

- 1) compliance with conditions imposed by a concordance would result in a violation of the safety rules for blasting provided for in subsection 60 (1) of this Act;
- 2) measures prescribed by the blasting plan fail to ensure the safety of people, property and the environment.

§ 41. Person engaging in blasting

- (1) Only persons who hold a blaster's certificate (hereinafter blaster) may conduct blasting.
- (2) An Estonian citizen or an alien residing in Estonia on the basis of a permanent or temporary residence permit, who has attained nineteen years of age and has engaged in work closely related to blasting for a period of one year, to whom the circumstances listed in subsection 33 (1) of this Act do not apply, who has undergone a prior medical examination the results of which do not exclude work as a blaster, who has completed a course conducted according to a curriculum approved pursuant to subsection 60 (3) of this Act, has passed an examination of the Professional Qualifications Board of the Technical Inspectorate and has been issued a blaster's certificate, may work as a blaster.
- (3) Persons applying for qualification as a blaster shall undergo a prior medical examination and persons engaging in blasting shall undergo routine medical examinations pursuant to the procedure established by the Minister of Social Affairs.
- (4) A person who has successfully completed a blasting course prescribed by a curriculum in an institute of higher education or a vocational institution, has worked as an assistant blaster for not less than two months thereafter and passed an examination of the Professional Qualifications Board of the Technical Inspectorate may work as a blaster.
- (5) A blaster who has undergone the vocational training of a blaster abroad shall pass an examination on Estonian legislation concerning blasting. An alien legally in Estonia may work as a blaster if he or she holds a blaster's certificate and a permit for working in Estonia and has passed an examination on Estonian legislation concerning blasting.
- (6) Blasters may only perform the blasting operations indicated on their blaster's certificates.
- (7) A blaster's certificate is valid for five years. In order to extend the term, a blaster shall complete in-service training and pass an examination of the Technical Inspectorate. A blaster's certificate becomes invalid if the holder thereof has not commenced work as a blaster within one year or his or her work as a blaster has been interrupted for more than two years.
- (8) A blaster who has attained twenty-one years of age may, after one year of work, apply for the qualification of senior blaster, which grants him or her the right to perform blasting operations independently without the presence of a person responsible for supervision over blasting, except in the cases provided in subsection 39 (1) of this Act.
- (9) In order to obtain the qualification of senior blaster, a blaster shall complete in-service training and pass an examination of the Technical Inspectorate. The qualification of senior blaster shall be indicated on the blaster's certificate.

§ 42. Issuer of explosive substances

- (1) Heads of explosive substances stores and issuers of explosive substances may receive explosive substances into a store for storage and issue explosive substances from the store.
- (2) Heads of explosive substances stores and their substitutes shall have undergone evaluation as a person responsible for the storage and issue of explosive substances.
- (3) A head of an explosive substances store shall be qualified as a mining engineer or mining technician or shall have completed a course conducted according to a curriculum approved pursuant to subsection 60 (3) of this Act, passed an examination of the Professional Qualifications Board of the Technical Inspectorate and been issued a certificate of qualification as a head of an explosive substances store.
- (4) A person holding a certificate of qualification as a head of an explosive substances store or who has completed a course conducted according to a curriculum approved pursuant to subsection 60 (3) of this Act, passed an examination of the Professional Qualifications Board of the Technical Inspectorate and been issued a certificate of qualification as an issuer of explosive substances may work as an issuer of explosive substances.
- (5) A person holding a certificate of qualification as an issuer of explosive substances may be appointed head of a pyrotechnic articles store, and the evaluation of such person is not required.

§ 43. Explosive substances laboratory assistant

- (1) For the purposes of this Act, an explosive substances laboratory assistant is a person who tests explosive substances or processes metal or other materials by explosion.

(2) A person who has completed training and has been issued a professional certificate pursuant to the provisions of subsection 41 (2) of this Act may work as an explosive substances laboratory assistant.

§ 44. Revocation of professional certificate

(1) The professional certificate of a blaster, head of an explosive substances store, issuer of explosive substances or explosive substances laboratory assistant may be revoked if:

- 1) he or she commits an offence listed in subsection 33 (1) of this Act;
- 2) his or her actions cause a serious or fatal accident at work or other accident;
- 3) he or she repeatedly violates the requirements of safety rules.

(2) A professional certificate may be revoked by the Technical Inspectorate at the request of a police authority or an employer or if an official conducting supervision discovers violations of safety rules.

(3) The professional certificate of an employee which is revoked on the basis of the provisions of clauses (1) 2) or 3) of this section may be restored after the employee passes a professional examination of the Technical Inspectorate, but not earlier than three months after the revocation of the professional certificate.

§ 45. Destruction of explosive substances

(1) Explosive substances which do not comply with standards or technical requirements and explosive substances which are found are subject to destruction.

(2) Explosive substances which are found shall be delivered to the Rescue Service Administration for destruction.

(3) Misfired explosive substances and explosive substances which do not explode upon liquidation of a misfire shall be destroyed at the jobsite.

(4) Explosive substances may be destroyed at an explosive substances plant on the order of a person responsible for the manufacture of explosive substances, at an explosive substances store on the order of a person responsible for the storage and issue of explosive substances, and at a jobsite on the order of a person responsible for blasting or a person responsible for work with explosive substances.

(5) Explosive substances may be destroyed by persons holding a blaster's certificate or certificate of qualification as an explosive substances laboratory assistant.

Chapter 7

Carriage of Explosive Substances

§ 46. Carriage of explosive substances by rail, air and waterway

Carriage of explosive substances by rail, air and waterway shall be effected pursuant to the procedure provided for in Acts concerning the corresponding mode of transport and legislation issued on the basis thereof.

§ 47. Carriage of explosive substances by vehicle on public roads

(1) Carriage of explosive substances by vehicle on roads open for general traffic shall be effected pursuant to the procedure provided for in the Traffic Act (RT 1992, 12, 193; RT I 1995, 2/3, 3; 1996, 16, 268) and legislation issued on the basis thereof.

(2) Carriage of explosive substances by vehicle may be performed by persons who hold a permit for the manufacture of an explosive substance, an explosive substances sales permit or an explosive substances procurement permit.

(3) A vehicle carrying explosive substances shall have two drivers, both of whom shall be appropriately qualified for the carriage of explosive substances.

(4) If a blaster accompanies a transport unit carrying explosive substances from a store to a jobsite, an explosive substances way-bill may be substituted by a work order.

§ 48. Carriage of explosive substances in quantities not exceeding limit values

(1) For the purposes of this Act, a limit value is the maximum permissible net mass of explosive substances in one transport unit, with regard to the carriage of which restrictions established for hazardous loads are not mandatory.

(2) The limit values and risk factors of explosive substances, depending on compatibility group, are as follows:

- 1) for compatibility group A, 5 kilograms with a risk factor of 200;
- 2) for compatibility group B, 20 kilograms with a risk factor of 50;
- 3) for compatibility group C, 50 kilograms with a risk factor of 20;
- 4) for compatibility group D, 50 kilograms with a risk factor of 20;
- 5) for compatibility group E, 333 kilograms with a risk factor of 3;
- 6) for compatibility group F, 500 kilograms with a risk factor of 2;

7) for compatibility group G, 1000 kilograms with a risk factor of 1.

(3) Upon the mixed carriage of explosive substances belonging to different compatibility groups, the product of the net mass of explosive substances carried multiplied by the appropriate risk factor shall not exceed 1000.

(4) Explosive substances of compatibility group A shall not be carried together with any other explosive substances.

(5) Upon the carriage of explosive substances, the driver of a vehicle shall be equipped with means of communication.

(6) A transport unit shall be equipped with one portable fire extinguisher with a minimum volume of 2 kilograms of dry powder or an equivalent amount of extinguishing agent.

§ 49. Carriage of explosive substances by vehicle on roads and territories closed to general traffic

(1) Carriage of explosive substances by vehicle on a road or territory closed to general traffic may be effected only with the permission of the person who owns or maintains the road or territory.

(2) The following requirements apply to the carriage of explosive substances by vehicle on roads and territories closed to general traffic in amounts exceeding the limit values:

1) the driver of a vehicle shall hold a certificate of training as a driver of vehicles carrying hazardous loads;

2) transport units shall be marked with an identification plate of hazardous loads and a danger label;

3) a person accompanying the explosive substances shall be in the vehicle, and he or she shall have the right to handle explosive substances and a way-bill or work order;

4) the cargo space shall not be tilted;

5) transport units shall be equipped with one portable fire extinguisher with a minimum content of 6 kilograms of dry powder (or an equivalent amount of extinguishing agent);

6) permission for a vehicle to carry explosive substances shall have been given by the person responsible for the technical condition of the vehicle.

§ 50. Packaging of explosive substances

(1) The outer packaging of explosive substances shall be manufactured and sealed in a manner which precludes the leaking of the contents from the inner packaging due to vibration, fluctuations in temperature, humidity or pressure occurring under normal carriage conditions.

(2) No traces of explosive substances shall be present on the outer surfaces of a package. This requirement also applies to recoverable packaging.

(3) Parts of packaging which are in direct contact with explosives shall not react chemically with the explosives. If necessary, the inner surfaces of packaging shall be covered or treated with appropriate substances.

Chapter 8

Duties of Persons and Agencies Engaged in Handling of and Trade in Explosive Substances

§ 51. Notification of accidents, accidents at work and loss of explosive substances, and investigation thereof

(1) An employer shall promptly notify the local police authority, Labour Inspectorate and the Technical Inspectorate of an accident or an accident at work which occurs during the handling of or trade in explosive substances and causes the death of or serious physical harm to an employee or physical harm to two or more employees.

(2) An owner or possessor of explosive substances is required promptly to notify the local police authority and Technical Inspectorate of every case of theft, robbery, loss or ruin of explosive substances.

(3) The technical reasons for an accident or an accident at work shall be investigated by a committee which is comprised of representatives of the Technical Inspectorate, the Labour Inspectorate, the trade union and the enterprise. The representative of the Technical Inspectorate shall be the chairman of the committee.

(4) If elements of a criminal offence become evident in an accident or an accident at work, the material shall be sent to an investigation authority.

§ 52. Compensation for damage caused by handling of explosive substances

The holder of a permit for the manufacture of an explosive substance, for work with explosive substances, for blasting operations or for the organisation of fireworks displays is required to compensate in full for any damage caused by the handling of explosive substances unless the contract between the customer and the contractor provides otherwise, regardless of whether or not the damage was foreseeable.

§ 53. Survey of sites, enterprises and agencies involved in handling of and trade in explosive substances

- (1) Sites, enterprises and agencies involved in the handling of and trade in explosive substances are subject to mandatory inspection by the Technical Inspectorate.
- (2) The frequency of inspection shall be established by a regulation of the Minister of Economic Affairs.

Chapter 9

State Supervision and Liability

§ 54. Organisation of state supervision over implementation of Act

State supervision over compliance with the requirements of this Act and legislation issued on the basis thereof shall be exercised as follows:

- 1) the Technical Inspectorate shall supervise the safe handling of explosive substances and the carriage thereof at jobsites;
- 2) police authorities shall supervise the carriage of explosive substances on public roads and the security regimes of explosive substances plants and stores;
- 3) inspection bodies authorised by the Consumer Protection Act (RT I 1994, 2, 13; 1995, 20, 297; 1996, 49, 953) shall supervise the retail trade of pyrotechnic articles of divisions I and II;
- 4) customs authorities shall supervise the import, export and transit of explosive substances pursuant to the procedure provided for in the Customs Act and legislation issued on the basis thereof;
- 5) fire fighting supervisory bodies shall supervise the fire safety of explosive substances plants and stores;
- 6) local governments shall supervise the construction of explosive substances plants and stores pursuant to the Planning and Building Act;
- 7) the Labour Inspectorate shall supervise working conditions provided for in the Labour Protection Act and legislation issued on the basis thereof;
- 8) the Health Protection Inspectorate shall supervise compliance with health protection requirements in the handling of explosive substances on the basis of the Public Health Act (RT I 1995, 57, 978; 1996, 3, 56; 49, 953; 1997, 37/38, 569).

§ 55. Rights of supervisory officials

(1) Officials authorised to monitor compliance with this Act and legislation issued on the basis thereof have, pursuant to the competence provided for in § 54 of this Act and within the limits of the competence established by the statutes of their agencies, the right to:

- 1) monitor compliance with technical and safety rules related to the handling of explosive substances, established pursuant to the procedure provided in subsection 60 (1) of this Act, in enterprises subject to monitoring;
- 2) require natural persons or representatives of legal persons or agencies to present all documentation concerning the handling of explosive substances and written or oral information necessary to conduct an inspection;
- 3) issue precepts for the elimination of discovered offences;
- 4) order expert analysis for the identification of the reasons for accidents and accidents at work;
- 5) take other measures prescribed by Acts and legislation issued on the basis thereof.

(2) A representative of a supervisory administrative agency has the right to suspend work which endangers human life or health or is unsafe, or upon non-compliance with a precept.

§ 56. Obligations of inspected and inspector to ensure supervision

(1) Enterprises and agencies shall enable inspectors to examine all documents necessary for inspection and provide them with necessary information.

(2) Inspectors shall maintain any business secrets which become known to them in the course of inspection.

§ 57. Liability of natural persons

Natural persons shall bear civil, administrative or criminal liability for violations of this Act and legislation issued on the basis thereof pursuant to the procedure prescribed by law.

§ 58. Liability of legal persons

(1) Administrative penalties for legal persons are as follows:

- 1) a fine of between 10 000 and 50 000 kroons is imposed for the sale of explosive substances to a person who does not hold an explosive substances procurement permit (except for the sale of pyrotechnic articles of divisions I and II);
- 2) a fine of between 10 000 and 70 000 kroons is imposed for blasting or the organisation of fireworks displays without an appropriate permit (except for the use of pyrotechnic articles of divisions I and II);
- 3) a fine of between 10 000 and 30 000 kroons is imposed for failure to comply with a precept issued by a supervisory body;

4) a fine of between 10 000 and 50 000 kroons is imposed for the concealment of an incident involving an accident, accident at work or loss of explosive substances;

5) a fine of between 5000 and 25 000 kroons is imposed for the violation of requirements concerning the storage and recording of explosive substances;

6) a fine of between 1000 and 10 000 kroons is imposed for the loss or premature destruction of a ledger of explosive substances.

(2) Administrative court judges have the right to hear and impose penalties for matters concerning offences specified in subsection (1) of this section by legal persons.

(3) Proceedings in administrative offence matters of legal persons set out in subsection (1) of this section, including the imposition and contestation of penalties, and the execution of administrative judgements imposing penalties which have come into force, are carried out pursuant to the procedure provided for in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1997, 66-68, 1109; 73, 1201) and the Code of Enforcement Procedure (RT I 1993, 49, 693; 1997, 43/44, 723), unless otherwise provided by this Act.

(4) Penalisation of a legal person does not release an official who is guilty of an offence from liability.

§ 59. Preparation of administrative offence reports

(1) Officials authorised to conduct supervision over the implementation of this Act have the right to prepare reports concerning the administrative offences listed in subsection 58 (1) of this Act by legal persons.

(2) A report shall set out the time and place of preparation of the report, the name and address of the agency in whose name the report is prepared, the official title, given name and surname of the person who prepares the report, the name and seat of the administrative offender, the given name, surname and title of the representative of the administrative offender, the place, time and description of the administrative offence, a reference to the appropriate clause of subsection 58 (1) of this Act which prescribes liability for the administrative offence, an explanation from the representative of the administrative offender and other information necessary for determination of the matter.

§ 60. Establishment of rules, instructions and curricula

(1) Rules for the construction and use of explosive substances plants and explosive substances stores, technical and safety rules for the manufacture, storage and use of explosive substances and rules for the handling of pyrotechnic articles shall be established by a regulation of the Minister of Economic Affairs.

(2) Written internal policies of enterprises for the safe handling of and trade in explosive substances shall be established by traders in concordance with the Technical Inspectorate.

(3) Curricula for training and in-service training for persons responsible for the handling of and trade in explosive substances and curricula for blasters, heads of explosive substances stores, issuers of explosive substances and explosive substances laboratory assistants shall be established by the educational and training institution conducting the training and concorded with the Technical Inspectorate.

§ 61. Approval of standard format of documentation

(1) The standard format of permits provided for in §§ 3, 9, 19, 23, 36, 37 and 38 of this Act, work orders provided for in § 25 of this Act, ledgers provided for in § 27 of this Act and certificates provided for in §§ 30, 41, 42 and 43 of this Act shall be approved by a regulation of the Minister of Economic Affairs.

(2) The standard format of the permit provided for in § 16 of this Act shall be approved by a regulation of the Minister of Internal Affairs.

§ 62. Taxation of operations with state fee

A state fee shall be paid on operations provided for in this Act pursuant to the State Fees Act.

Chapter 10

Implementation of Act

§ 63. Validity of previously issued documents

Licences, permits, certificates, professional certificates and other documents concerning the handling of and trade in explosive substances which were issued on the basis of current legislation and which are not contrary to this Act are valid until the end of their term but for not longer than five years after the entry into force of this Act.

[§§ 64–68 omitted] †

§ 69. Entry into force of Act

This Act enters into force on 1 January 1998.

* RT = Riigi Teataja = State Gazette

† The omitted sections amend other legislation.